

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR SESSION
SEPTEMBER 11, 2017**

PLEDGE OF ALLEGIANCE.

Chair Hetzel led those present in the Pledge of Allegiance.

1. CALL TO ORDER. 1.1. Roll Call.

The Planning and Zoning Commission met in Regular Session on Monday, September 11, 2017 at City Hall, 218 North Meridian Street, Belle Plaine, MN. Chair Anthony Hetzel called the meeting to order at 6:30 p.m. with Commissioners Ashby Carter, Omni Kiecker and Catherine Tarbell present. Also present were Community Development Director Cynthia Smith and Council Liaison Chard. Commissioner Ashton Pankonin was not present.

2. APPROVAL OF AGENDA.

MOTION by Commissioner Tarbell, second by Commissioner Kiecker, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of August 14, 2017.

MOTION by Commissioner Carter, second by Commissioner Tarbell, to approve the Regular Session Minutes of August 14, 2017. ALL VOTED AYE. MOTION CARRIED.

4. RECOGNITION OF INVOLVED CITIZENS.

No one spoke during the open forum.

5. PUBLIC HEARINGS- NONE SCHEDULED.

6. BUSINESS.

6.1. Discussion: Accessory Structures.

Community Development Director Smith Strack explained the Commission has decided to review existing standards for detached accessory structures. The standard review was called after several CUP's for detached garages exceeding 900 square feet were processed. The Planning Commission discussed the potential to consider an interim ordinance placing a moratorium on detached garages exceeding 900 square feet. Staff has contacted the City Attorney for input. The City Attorney notes an interim ordinance is possible but would need to be generated by the City Council.

Community Development Director Smith Strack provided excerpts of the Zoning Ordinance pertaining to accessory structures standards. Potential discussion points were highlighted, such as ambiguity in language, exterior building materials as it relates to metal; standards for the zoning district, specific standards for CUPs, and pole building regulations.

Community Development Director Smith Strack reported that a survey was sent to the Commissioners and three responses were received. The responses were distributed to each Commissioner.

Commissioner Carter recommended adopting definitions for an accessory structure and also a detached garage as he believes they have different characteristics. Council Liaison Chard concurred. He believes large garages lend themselves for home auto repair services and industrial type uses. Commissioner Carter and Council Liaison Chard believe there is a need for increased code enforcement for violations such as outdoor storage and junk. Community Development Director Smith Strack explained that code

enforcement policies are set by the Council. Additional staff would be needed for increased code enforcement monitoring. Commissioner Carter recommended limits on the number of structures allowed on a parcel, a total maximum square footage for all accessory structures, the total number of garage stalls, and the requirement of a driveway to service the garage. Chair Hetzel commented that it is pertinent to determine how our City should look, such as maintaining neighborhood character. Commissioner Kiecker believes it important to maintain integrity so that a property owner's investment in the community is maintained and not degraded due to lack of regulations. She suggested any loopholes to allow over-size garages should be eliminated. Commissioner Kiecker commented that storage facilities are an option for those who have multiple recreational vehicles. Commissioner Carter suggested review of covenants that would help define regulations. He would like to prevent high-power wattage and water and sewer service for accessory structures to prevent non-compliant home-based businesses. Commissioner Tarbell supports maintaining the small-town feel and that an accessory structure should not be larger than the principal dwelling. She supports maintaining the architectural essence of the City and character consistency. Council Liaison Chard recommended Staff research the cities that have experienced growth, such as Chaska, Shakopee and Jordan to glean lessons about fast residential growth and maintaining character.

Commissioner Carter suggested a moratorium on accessory structures over 900 square feet until regulations are adopted. Community Development Director Smith Strack explained that it would be appropriate to have a joint work session with the City Council. Chair Hetzel summarized the justification for placing a moratorium on accessory structures in an effort to preserve the character of a neighborhood. The moratorium will allow time for the Commission to research regulations pertaining to limiting the number of structures allowed on a parcel, a total maximum square footage for all accessory structures, the total number of garage stalls, and the requirement of a driveway to service the garage.

The joint work session with the Planning Commission and City Council was set for 7:00 p.m. on Monday, September 18, 2017.

6.2. Discussion: Draft *Destination 2040* Land Use Plan Narrative & Maps.

Community Development Director Smith Strack provided a Power Point presentation and a summary of the draft land use plan and associated maps for the City's 2040 Comprehensive Plan Update. The Destination 2040 meeting is scheduled for September 13, 2017.

The Commissioners viewed the maps: Existing land use, available parcels, 2040 land use map, areas of stability, revitalization/redevelopment and change, staging areas, and planning (neighborhood identification) areas. They concurred with the detailed narrative provided by Community Development Director Smith Strack. The Commissioners will take the lead at the upcoming Destination 2040 meeting regarding land use.

In further discussions, the Commissioners presented the concept of affordable housing and how cities are impacted. Chair Hetzel spoke of San Francisco, CA and Commissioner Tarbell told of Clover Ridge development in Chaska.

6.3. Discussion: Zoning Code Adjustments: Small Wireless Facilities Law.

Community Development Director Smith Strack explained that small cellular wireless facilities must now be allowed in public rights of way as essential services with limited restrictions, pursuant to a law Governor Dayton signed May 31, 2017. The law has far-reaching implications for cities that elect to manage public rights-of-way and a modest impact on zoning regulations. This includes adding antenna to existing public infrastructure and/or placement of new structures within the public right-of-way. Attached with Community Development Director Smith Strack's memo was City Attorney Vose's recommendations relating to the new law and proposed amendments to the League of MN Cities model right-of-way ordinance.

The law allows/requires:

1. City can deny permits for reasonable public health, welfare, and safety reasons with no definitions or limitations on those reasons.
2. The City can identify minimum separation distances between new wireless support structures (i.e. towers/poles).
3. Small cellular wireless uses must be permitted uses in all zoning districts, except for residential where they can be by CUP.
4. Maximum pole height is lesser of either 50-feet or ten feet above highest pole.
5. Co-location can be required.

Community Development Director Smith Strack reported that at this time essential services are addressed as a stand-alone section of Chapter 11 (zoning) of the Code. Presumably minor updates to that section will satisfy required zoning adjustments precipitated by the law.

Community Development Director Smith Strack will present required amendments in the near future.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

Commissioner Carter suggested regulations to prohibit chickens within the City limits. Chair Hetzel questioned if there was a need to AirBNB for the upcoming Minneapolis Super Bowl in 2018. Commissioner Carter noted there may be a need when national cricket tournaments are held in Belle Plaine.

7.2. Director's Report.

Community Development Director Smith Strack provided highlights of the Director's Report.

7.3. Upcoming Meetings.

- 1. Destination 2040, 6:00 p.m., Wednesday, September 13, 2017.**
- 2. Regular Meeting, 6:30 p.m., Monday, October 9, 2017.**

The Commissioners were reminded of the upcoming meetings as listed.

8. ADJOURNMENT.

MOTION by Commissioner Carter, second by Commissioner Tarbell, to adjourn at 8:34 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings
Recording Secretary